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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE LLC'S RENEWED
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF THE MATERIAL
ASSOCIATED WITH
PLAINTIFFS' REQUEST FOR AN
ORDER FOR GOOGLE TO SHOW
CAUSE FOR WHY IT SHOULD NOT
BE SANCTIONED FOR DISCOVERY
MISCONDUCT**

Referral: Hon. Susan van Keulen, USMJ

Case No. 4:20-cv-03664-YGR-SVK

GOOGLE LLC'S RENEWED ADMINISTRATIVE MOTION TO SEAL PORTIONS OF THE MATERIAL
ASSOCIATED WITH PLAINTIFFS' REQUEST FOR AN ORDER FOR GOOGLE TO SHOW CAUSE

I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5 and to Section V of the Court's May 20, 2022 Order on Plaintiffs' Motion for Sanctions for Discovery Misconduct (Dkt. 588), Defendant Google LLC ("Google") respectfully seeks to renew its prior requests to seal certain portions of the material associated with Plaintiffs' Request for Order For Google To Show Cause for Why It Should Not Be Sanctioned for Discovery Misconduct ("Plaintiffs' Motion"), including subsequent and related filings submitted under seal.

Google respectfully seeks to renew the following motions to seal in connection with Plaintiffs' Motion at: Dkt. Nos. 429, 510, 527, 529, 535, 548, 551, 582 (motions to seal); *see also* Dkt. Nos. 514, 520, 550, 557 (declarations filed in support of motions to seal).

Motion to Seal	Google's Supporting Declaration	Underlying Filing
1. Dkt. 429 (Brown)	Dkt. 514	Dkt. 430 (Plaintiffs' Motion)
2. Dkt. 510 (Brown)	Dkt. 520	Dkt. 511 (Supplement to Plaintiffs' Motion)
3. Dkt. 527 (Google)	n/a	Dkt. 528 (Google's Opposition to Plaintiffs' Motion)
4. Dkt. 529 (Google)	n/a	Dkt. 530 (Google's Corrected Opposition to Plaintiffs' Motion)
5. Dkt. 535 (Brown)	Dkt. 550	Dkt. 536 (Reply to Plaintiffs' Motion)
6. Dkt. 548 (Google)	n/a	Dkt. 549 (Google's Findings of Fact)
7. Dkt. 551 (Brown)	Dkt. 557	Dkt. 552 (Plaintiff Findings of Fact)
8. Dkt. 582 (Brown)	Dkt. 590	Dkt. 583 (2 nd Supplement to Plaintiffs' Motion)

Plaintiffs' Motion and the aforementioned associated material contain non-public, highly sensitive and confidential business information that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including details related to Google's internal projects, internal identifiers, data signals and logs, and their proprietary functionalities, as well as internal metrics and investigation into financial impact of certain features. This information is highly confidential and should be protected. Google has both pared back many of

the proposed redactions from the original filings and removed a few exhibits from prior sealing requests.¹

This Renewed Administrative Motion pertains to the following information contained in Plaintiffs' Motion and associated material:

1. Dkt. 429

Documents Sought to Be Sealed	Portions to be Filed Under Seal	Party Claiming Confidentiality
Plaintiffs' Request for Order For Google To Show Cause for Why It Should Not Be Sanctioned for Discovery Misconduct	Portions Highlighted in Yellow at: PDF Pages 8:8-9, 8:10-11, 8:13-15, 8:20, 11:20, 12:16, 13:4, 13:21, 15:2-8, 16:14-23, 20:22, 21:7-10, 21:12, 21:21, 22:3, 23:14	Google
Declaration of Mark C. Mao in Support of Plaintiffs' Order to Show Cause Motion	Portions Highlighted in Yellow at: PDF Pages 3:12-13, 3:26-27, 4:3, 4:11, 4:19, 4:23-24, 4:27, 5:1, 5:12-13, 5:16, 5:20-28, 6:5, 6:8-9, 6:13-14, 6:17, 6:19-21, 7:5-6, 7:8, 7:10, 7:15, 7:18, 8:5, 8:13, 8:23, 9:4	Google
Mao Decl., Exhibit 3 (GOOG-BRWN-00845423)	Portions Highlighted in Yellow at: Entirety	Google
Mao Decl., Exhibit 4 (GOOG-BRWN-00023909)	Portions Highlighted in Yellow at: Entirety	Google
Mao Decl., Exhibit 8 (excerpts from the December 2, 2021 deposition of Google employee Chris Liao)	Portions Highlighted in Yellow at: Pages 122:24, 123:2, 123:8, 123:23, 124:11, 124:18, 124:23, 124:25, 126:6, 126:8, 126:12, 126:23, 127:9-10, 127:19, 128:7, 128:9, 131:19, 131:25, 132:5, 132:10-11, 132:15, 132:22, 133:4, 133:9, 133:12, 133:15, 133:19, 134:13, 138:10,	Google

¹ Certain terms or phrases considered Confidential Business Information that were inadvertently revealed during the hearing on Plaintiffs' Motion remain sealed. To date, the hearing transcript is not publicly available and Google intends to move to seal certain portions of the transcript this week.

1		138:19, 139:7, 139:18, 139:24, 140:5, 140:21, 141:24	
2			
3	Mao Decl., Exhibit 9 (GOOG-BRWN-00845312)	Portions Highlighted in Yellow at: Entirety	Google
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5	Mao Decl., Exhibit 10 (GOOG-BRWN-00845569)	Portions Highlighted in Yellow at: Entirety	Google
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7	Mao Decl., Exhibit 11 (GOOG-BRWN-00845277)	Portions Highlighted in Yellow at: Entirety	Google
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9	Mao Decl., Exhibit 12 (GOOG-CABR-05144884)	Portions Highlighted in Yellow at: Entirety	Google
10			
11	Mao Decl., Exhibit 14 (GOOG-CABR-04324934)	Portions Highlighted in Yellow at: Entirety	Google
12			
13	Mao Decl., Exhibit 15 (GOOG-BRWN-00845477)	Portions Highlighted in Yellow at: Entirety	Google
14			
15	Mao Decl., Exhibit 16 (GOOG-BRWN-00845481)	Portions Highlighted in Yellow at: Entirety	Google
16			
17	Mao Decl., Exhibit 17 (GOOG-BRWN-00845437)	Portions Highlighted in Yellow at: Entirety	Google
18			
19	Mao Decl., Exhibit 18 (GOOG-CABR-05280756)	Portions Highlighted in Yellow at: Entirety	Google
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21	Mao Decl., Exhibit 19 (excerpts of Google's Responses and Objections to Plaintiffs' Ninth Set of Interrogatories)	Portions Highlighted in Yellow at: Page 4:13	Google
22			
23	Mao Decl., Exhibit 20 (February 23, 2022 email exchange between counsel for Plaintiffs and counsel for Google)	Portions Highlighted in Yellow at: PDF Pages 2-4	Google
24			
25			
26	Mao Decl., Exhibit 21 (GOOG-CABR-05757329)	Portions Highlighted in Yellow at: Entirety	Google
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Mao Decl., Exhibit 22 (GOOG-BRWN-00845281)	Portions Highlighted in Yellow at: Entirety	Google
Mao Decl., Exhibit 23 (GOOG-BRWN-00845275)	Portions Highlighted in Yellow at: Entirety	Google
Mao Decl., Exhibit 24 (GOOG-BRWN-00845274)	Portions Highlighted in Yellow at: Entirety	Google
Mao Decl., Exhibit 25 (GOOG-CABR-03668216)	Portions Highlighted in Yellow at: Entirety	Google

2. Dkt. 510

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
Plaintiffs' Administrative Motion to File Supplement in Support of Their Motion for Order For Google To Show Cause for Why It Should Not Be Sanctioned for Discovery Misconduct	Portions Highlighted in Yellow at: Pages 1:10-13, 1:24, 2:1, 2:6, 2:9-10, 3:5, 3:14, 4:10-11, 4:13, 4:17, 4:19, 5:10, 5:25-26	Google
Declaration of Mark C. Mao in Support of Plaintiffs' Administrative Motion to File Supplement in Support of Their Request for Order to Show Cause Motion	Portions Highlighted in Yellow at: Pages 1:20-24, 2:1, 3:17, 3:22, 4:2, 4:4	Google
Mao Decl., Exhibit 1 (GOOG-BRWN-00536949)	Portions Highlighted in Yellow at: Entirety	Google
Mao Decl., Exhibit 2	Portions Highlighted in Yellow at: Entirety	Google

1 2 3 4 5 6 7	Mao Decl., Exhibit 3 (Excerpts of the Deposition Transcript of Dr. Caitlin Sadowski)	Portions Highlighted in Yellow at: Pages 64:11-12, 65:1, 66:15-20, 68:6-8, 68:17-19, 69:10, 70:3, 70:5-6, 70:18, 70:21, 70:23, 71:9, 72:24-25, 73:17, 73:22, 74:2-3, 74:7, 74:10, 76:24-25, 80:8-9, 80:13, 80:16, 80:24, 81:3-5, 81:7, 81:12-14, 85:11, 87:10, 87:16-17, 87:23, 88:4, 88:10, 91:4, 91:13, 91:17, 92:11	Google
8 9 10 11	Mao Decl., Exhibit 4 (Excerpts of the Deposition Transcript of Mandy Liu)	Portions Highlighted in Yellow at: Pages 14:18, 14:25, 15:10-12, 15:14-15, 39:8, 40:5, 40:9, 40:11, 40:16-17	Google

12 **3. Dkt. 527 & 4. Dkt. 529 (Correction of Ansong Exhibits)**

13	Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
14	Google's Opposition for Sanctions	Portions Highlighted in Yellow at: Pages 2:10, 4:4, 4:7, 4:15, 4:19-20, 5:5, 5:13, 5:24-25, 6:7-8, 6:10-11, 6:14, 6:18-19, 7:18- 19, 7:21, 10:24, 10:27, 12:19-20, 13:9, 13:12, 13:15, 13:17, 13:19, 14:1, 14:7, 14:27-28, 15:9, 15:15, 15:20, 15:22, 15:26, 16:9, 18:28, 19:1, 19:4, 19:12, 21:14-15, 21:19	Google
15	Ansong Declaration	Portions Highlighted in Yellow at: Pages 2:20, 2:23, 3:3, 3:10, 4:11, 4:14, 4:17, 5:17, 5:24, 5:27-28, 6:3, 6:5-6, 6:9-11, 6:14- 15, 7:5, 7:7, 7:13-14, 7:16, 7:21, 7:24-25, 7:28, 8:8, 8:13-14, 8:28, 9:14, 10:6-7, 10:11- 12, 10:25, 10:27-28, 11:2, 11:4, 11:11, 11:19- 20, 11:22, 12:19-20, 13:23, 14:1, 14:27, 15:14, 15:25, 16:4, 16:14	Google
16	Exhibit 3 to Ansong Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 66:5, 67:18	Google
17	Exhibit 4 to Ansong Declaration in support	Portions Highlighted in Yellow at:	Google

1	of Google's Opposition to Plaintiffs' Request for Sanctions	Page 2	
2			
3	Exhibit 5 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 1-2	Google
4			
5	Exhibit 6 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 1-2	Google
6			
7	Exhibit 7 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Page 1	Google
8			
9	Exhibit 9 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Page 1	Google
10			
11	Exhibit 10 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 1-2	Google
12			
13	Exhibit 11 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Page 1	Google
14			
15	Exhibit 12 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 1, 3-8	Google
16			
17	Exhibit 15 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 8-10	Google
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19	Exhibit 16 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Page 1	Google
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1	Exhibit 17 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 3-4	Google
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4	Exhibit 18 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 2, 6-7, 10-11	Google
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7	Exhibit 19 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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10	Exhibit 20 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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13	Exhibit 21 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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16	Exhibit 22 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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19	Exhibit 23 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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22	Exhibit 24 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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25	Exhibit 25 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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28	Exhibit 26 to Ansorge Declaration in support of Google's Opposition	Redacted in its entirety	Google

1	to Plaintiffs' Request for Sanctions		
2	Exhibit 27 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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5	Exhibit 28 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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8	Exhibit 29 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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11	Exhibit 30 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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14	Exhibit 31 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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17	Exhibit 32 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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20	Exhibit 33 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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23	Exhibit 34 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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26	Exhibit 35 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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1	Exhibit 36 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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4	Exhibit 37 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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7	Exhibit 38 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Page 8:12	Google
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10	Exhibit 39 to Ansorge Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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13	Liao Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 1:4-5, 1:7-8, 3:2, 3:6, 3:8-14, 3:16	Google
14			
15	Leung Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 1:11-12, 2:16-17, 3:11-4:2, 4:5-6, 4:8	Google
16			
17	Golueke Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 1:22, 1:24, 2:12-13, 2:15-16, 2:20, 3:1, 3:10, 4:8, 4:13	Google
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20	Exhibit 1 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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23	Exhibit 2 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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26	Exhibit 3 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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1	Exhibit 4 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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4	Exhibit 5 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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7	Exhibit 7 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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10	Exhibit 8 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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13	Exhibit 9 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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16	Exhibit 10 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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19	Exhibit 11 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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22	Exhibit 12 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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25	Exhibit 13 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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28	Exhibit 15 to Trebicka Declaration in support of Google's Opposition	Redacted in its entirety	Google

1	to Plaintiffs' Request for Sanctions		
2	Exhibit 16 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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5	Exhibit 17 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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8	Exhibit 18 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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11	Exhibit 19 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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14	Exhibit 20 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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17	Exhibit 21 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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20	Exhibit 22 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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23	Exhibit 23 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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26	Exhibit 24 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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1	Exhibit 25 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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4	Exhibit 26 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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7	Exhibit 27 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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10	Exhibit 28 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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13	Exhibit 29 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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16	Exhibit 30 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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19	Exhibit 31 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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21	Exhibit 33 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Page 2	Google
22			
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24	Exhibit 34 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 2-25	Google
25			
26			
27	Exhibit 35 to Trebicka Declaration in support of Google's Opposition	Portions Highlighted in Yellow at: Pages 2, 4	Google
28			

1	to Plaintiffs' Request for Sanctions		
2	Exhibit 36 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 2	Google
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5	Exhibit 39 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 262:5, 262:7, 262:15, 262:24	Google
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8	Exhibit 40 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 131:19, 131:25, 132:5, 132:10-11, 132:15, 132:22, 133:4, 133:9, 133:12, 133:15, 133:19	Google
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11	Exhibit 42 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 69:10, 70:3, 70:5-6, 70:18, 70:21, 70:23, 71:9, 72:24-25, 73:17, 73:22, 76:24-25, 77:8, 91:4, 91:13, 91:17, 92:11	Google
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14	Exhibit 47 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 40:4, 40:23-24, 41:1, 41:3, 41:8, 41:15, 47:23-24, 48:6, 48:8-9, 48:18	Google
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16			
17	Exhibit 49 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Portions Highlighted in Yellow at: Pages 4:12, 4:18. 4:21-22, 372:11, 372:15	Google
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20	Exhibit 50 to Trebicka Declaration in support of Google's Opposition to Plaintiffs' Request for Sanctions	Redacted in its entirety	Google
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5. Dkt. 535

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
Plaintiffs' Reply in Support of Request for an Order For Google To Show Cause for Why It Should Not Be Sanctioned for Discovery	Portions Highlighted in Yellow at: Pages 1:5, 1:8-9, 3:1, 3:14-15, 4:4-5, 4:7, 4:9, 4:19, 5:4, 5:10, 6:15-16, 6:23, 7:1-2, 7:9-11, 8:14-15, 11:18	Google

1	Misconduct		
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3	Third Declaration of Mark C. Mao in Support of Plaintiffs' Request for Order to Show Cause Motion (Mao Reply Declaration)	Portions Highlighted in Yellow at: PDF Pages 3:10-13, 3:15, 3:18, 3:20-21, 3:26-27, 4:2, 4:12-14	Google
4	Mao Reply Decl., Exhibit 1	Portions Highlighted in Yellow at: PDF Page 2	Google
5	Mao Reply Decl., Exhibit 2	Portions Highlighted in Yellow at: PDF Pages 2-4	Google
6	Mao Reply Decl., Exhibit 3 (Transcript of March 23, 2022 Hearing before Special Master Douglas Brush)	Portions Highlighted in Yellow at: Pages 6:3, 12:16, 39:19-20, 40:4, 41:1, 41:15, 43:17-19, 44:3, 44:22, 45:4, 47:24, 48:18, Index (PDF Pages 28, 33)	Google
7	Mao Reply Decl., Exhibit 4 (GOOG-BRWN-00846508)	Portions Highlighted in Yellow at: Entirety	Google
8	Mao Reply Decl., Exhibit 5 (GOOG-CABR-03849022)	Portions Highlighted in Yellow at: Entirety	Google
9	Mao Reply Decl., Exhibit 6 (Stipulation)	Portions Highlighted in Yellow at: Pages 3:11, 3:13-4:9	Google
10	Declaration of Christopher Thompson in Support of Plaintiff's Request for an Order to Show Cause	Portions Highlighted in Yellow at: PDF Pages 3:25, 4:19-20, 4:26-27, 5:2-7, 5:9, 5:17-19, 5:23, 6:3-5, 6:8, 6:10-11, 6:15, 6:17-19, 7:26, 8:1-2, 9:14-15, 9:17-18, 9:22	Google
11	Thompson Decl., Exhibit B-1 (GOOG-CABR-05256755)	Portions Highlighted in Yellow at: Entirety	Google
12	Thompson Decl., Exhibit B-2 (GOOG-CABR-00799341)	Portions Highlighted in Yellow at: PDF Page 2	Google
13	Thompson Decl., Exhibit C (GOOG-CABR-04773853)	Portions Highlighted in Yellow at: Entirety	Google
14	Thompson Decl., Exhibit D	Portions Highlighted in Yellow at:	Google

(GOOG-CABR-03652549)	Entirety	
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6. Dkt. 548

Documents Sought to Be Sealed	Portions to be Filed Under Seal	Party Claiming Confidentiality
Google's Proposed Findings of Fact and Conclusions of Law	Portions Highlighted in Yellow at: Pages 2:12, 2:25-26, 3:2-3, 3:15, 4:15, 5:13-18, 6:7, 6:17-19, 6:23-24, 7:17-18, 9:1, 9:9, 9:11, 9:15-16, 10:15	Google

7. Dkt. 551

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
Plaintiffs' Proposed Findings of Fact and Conclusions of Law (Dkt. 551)	Portions Highlighted in Yellow at: Pages 3:23-25, 4:2-4, 4:24-25, 5:19-22, 6:1-2, 6:5, 6:9, 6:11, 6:13, 6:25, 7:22-23, 7:25, 8:8, 8:11, 8:17-8:27, 9:1-15, 15:15-17, 16:14-17, 19:25, 21:2, 21:6, 23:1, 23:3, 25:16-17, 26:7-9, 26:11, 26:17, 27:1-2, 27:7, 27:26, 28:1-32, 28:17, 28:19, 28:26, 29:11, 29:16, 30:19, 31:10, 31:13, 31:15-16, 31:20, 31:27, 33:5, 33:18, 35:5, 35:16, 41:18-19, 41:22, 41:25, 42:1, 42:10, 42:13, 42:17, 42:25, 47:15, 52:22, 53:9-10	Google

8. Dkt. 582

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
Exhibit A to Mao Declaration - Plaintiffs' (Proposed) May 16, 2022 Supplement to Their Sanctions Motion	Portions Highlighted in Yellow at: Page 2:18	Google
Exhibit B to Mao Declaration - Google's Supplemental	Portions Highlighted in Yellow at:	Google

1 Objections and Responses to
2 Plaintiffs' Interrogatories Set
3 9 (No. 35)

Pages 5:4-7, 5:20-6:18, 6:20, 6:27,
7:3, 7:7-10, 7:14-15

4 II. LEGAL STANDARD

5 A party seeking to seal material must “establish[] that the document, or portions thereof, are
6 privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is
7 “sealable”). Civ. L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing
8 only of sealable material.” *Id.*

9 In the context of dispositive motions, materials may be sealed in the Ninth Circuit upon a
10 showing that there are “compelling reasons” to seal the information. *See Kamakana v. City & Cty. of*
11 *Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006). However, a party seeking to seal information in a
12 non-dispositive motion must show only “good cause.” *Id.* at 1179-80. The rationale for the lower
13 standard with respect to non-dispositive motions is that “the public has less of a need for access to
14 court records attached only to non-dispositive motions because these documents are often unrelated,
15 or only tangentially related, to the underlying cause of action” and that as a result “[t]he public
16 policies that support the right of access to dispositive motions, and related materials, do not apply with
17 equal force to non-dispositive materials.” *Kamakana*, 447 F.3d at 1179; *see also TVIIM, LLC v.*
18 *McAfee, Inc.*, 2015 WL 5116721, at *1 (N.D. Cal. Aug. 28, 2015) (“Records attached to non-
19 dispositive motions are not subject to the strong presumption of access.”) (citation omitted). Under
20 the “good cause” standard, courts will seal statements reporting on a company’s users, sales,
21 investments, or other information that is ordinarily kept secret for competitive purposes. *See*
22 *Hanginout, Inc. v. Google, Inc.*, 2014 WL 1234499, at *1 (S.D. Cal. Mar. 24, 2014); *Nitride*
23 *Semiconductors Co. v. RayVio Corp.*, 2018 WL 10701873, at *1 (N.D. Cal. Aug. 1, 2018) (granting
24 motion to seal “[c]onfidential and proprietary information regarding [Defendant]’s products” under
25 “good cause” standard) (van Keulen, J.). Although the materials that Google seeks to seal here easily
26 meet the higher “compelling reasons” standard, the Court need only consider whether these materials
27 meet the lower “good cause” standard.

1 **III. THE ABOVE IDENTIFIED MATERIALS SHOULD ALL BE SEALED**

2 Courts have repeatedly found it appropriate to seal documents that contain “business
3 information that might harm a litigant’s competitive standing.” *Nixon v. Warner Commc'ns, Inc.*, 435
4 U.S. 589, 589-99 (1978). Good cause to seal is shown when a party seeks to seal materials that
5 “contain[] confidential information about the operation of [the party’s] products and that public
6 disclosure could harm [the party] by disclosing confidential technical information.” *Digital Reg of*
7 *Texas, LLC v. Adobe Sys., Inc.*, 2014 WL 6986068, at *1 (N.D. Cal. Dec. 10, 2014). Materials that
8 could harm a litigant’s competitive standing may be sealed even under the “compelling reasons”
9 standard. *See e.g., Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*, 2015 WL 984121, at *2
10 (N.D. Cal. Mar. 4, 2015) (information “is appropriately sealable under the ‘compelling reasons’
11 standard where that information could be used to the company’s competitive disadvantage”) (citation
12 omitted). Courts in this district have also determined that motions to seal may be granted as to
13 potential trade secrets. *See, e.g. United Tactical Sys., LLC v. Real Action Paintball, Inc.*, 2015 WL
14 295584, at *3 (N.D. Cal. Jan. 21, 2015) (rejecting argument against sealing “that [the party] ha[s] not
15 shown that the substance of the information . . . amounts to a trade secret”).

16 Here, Plaintiffs’ Motion and the aforementioned associated material comprises confidential
17 and proprietary information regarding highly sensitive features of Google’s internal systems and
18 operations that Google does not share publicly. Specifically, this information provides details related
19 to Google’s internal projects, internal identifiers, data signals and logs, and their proprietary
20 functionalities, as well as internal metrics and investigation into financial impact of certain features.
21 Such information reveals Google’s internal strategies, system designs, and business practices for
22 operating and maintaining many of its important services while complying with its legal and privacy
23 obligations.

24 Public disclosure of the above-listed information would harm Google’s competitive standing it
25 has earned through years of innovation and careful deliberation, by revealing sensitive aspects of
26 Google’s proprietary systems, strategies, and designs to Google’s competitors. That alone is a proper
27 basis to seal such information. *See, e.g., Free Range Content, Inc. v. Google Inc.*, No. 14-cv-02329-
28 BLF, Dkt. No. 192, at 3-9 (N.D. Cal. May 3, 2017) (granting Google’s motion to seal certain sensitive

business information related to Google’s processes and policies to ensure the integrity and security of a different advertising system); *Huawei Techs., Co. v. Samsung Elecs. Co.*, No. 3:16-cv-02787-WHO, Dkt. No. 446, at 19 (N.D. Cal. Jan. 30, 2019) (sealing confidential sales data because “disclosure would harm their competitive standing by giving competitors insight they do not have”); *Trotsky v. Travelers Indem. Co.*, 2013 WL 12116153, at *8 (W.D. Wash. May 8, 2013) (granting motion to seal as to “internal research results that disclose statistical coding that is not publically available”).

Moreover, if publicly disclosed, malicious actors may use such information to seek to compromise Google’s data sources, including data logs, internal data structures, and internal identifier systems. Google would be placed at an increased risk of cyber security threats. *See, e.g., In re Google Inc. Gmail Litig.*, 2013 WL 5366963, at *3 (N.D. Cal. Sept. 25, 2013) (sealing “material concern[ing] how users’ interactions with the Gmail system affects how messages are transmitted” because if made public, it “could lead to a breach in the security of the Gmail system”). The security threat is an additional reason for this Court to seal the identified information.

The information Google seeks to redact is the minimal amount of information needed to protect its internal systems and operations from being exposed to not only its competitors but also to nefarious actors who may improperly seek access to and disrupt these systems and operations. The “good cause” rather than the “compelling reasons” standard should apply but under either standard, Google’s sealing request is warranted.

IV. CONCLUSION

For the foregoing reasons, the Court should seal the identified portions of Plaintiffs’ Motion and the aforementioned associated material.

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